

**SMALL CLAIMS WRIT
AND NOTICE OF SUIT**

JD-CV-40 Rev. 12-17
C.G.S. §§ 51-15, 51-345(g)

**CONNECTICUT SUPERIOR COURT
SMALL CLAIMS SESSION**

For Court Use Only
Do Not Write In This Space
Barcode Label Only

Type or print legibly. This Writ and Notice of Suit must be served on (delivered to) the defendant(s) before filing it with the court. See Instructions to Plaintiff on reverse.

1.) Location information that will determine where the trial will be: The plaintiff was bitten by a dog. The keeper of the dog resides in Meriden.	2.) Case type code (See list on reverse page 1) Major: S Minor: 55
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3.) Is this a claim between a landlord and a tenant (renter)? ("X" one) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4.) If you answered "yes" to question #3, state the town where the rental premises is located:
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Parties	Name (Last, First, Middle Initial) and Address of Each party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA)		
5.) First Plaintiff	Name: Gary Phee Address: 2 Fairlawn Drive, Wallingford, Connecticut 06492 Telephone: 203-213-4944	("X" One) <input checked="" type="checkbox"/> Individual <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> DBA <input type="checkbox"/> Corporation	P-01
6.) Name, address and zip code of Attorney for Plaintiff(s) Mahon, Quinn & Mahon, P.C. 636 Broad Street, Meriden, Connecticut 06450		Attorney's Juris number 066724	Telephone number (w/area code) 203-238-1010
7.) First Defendant	Name: Gary Shamock Address: 85 Maple Avenue, Meriden, Connecticut 06450 Telephone: Unknown	("X" One) <input checked="" type="checkbox"/> Individual <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> DBA <input type="checkbox"/> Corporation	D-01

For more than 1 plaintiff/defendant, attach Continuation of Parties (form JD-CV-67) and "X" box. ☐

8.) If this claim is a consumer debt, which is a debt or obligation made primarily for personal, family or household reasons, give the reasons why you believe that the statute of limitations has not expired.
Not applicable.

9.) How did you check in the last 6 months that the address given for defendant(s) is accurate?
"X" all boxes that apply and provide the dates that the address was checked.

☒ I checked town or city records (for example, checking a street list or tax records); 04/04/2019 (date checked)

☐ I checked with the Department of Motor Vehicles; _____ (date checked)

☐ I received correspondence (letters or other mail) from the defendant with that return address; _____ (date checked)

☐ I received other proof from the defendant that the address is current; _____ (description of proof and date checked)

☐ I mailed by first class mail, at least 4 weeks before this small claims action was filed, a letter to the defendant at the address used and the letter has not been returned to me by the United States Postal Service. _____ (last date checked for returned letter)

10.) Amount claimed*	Plus Costs	<input type="checkbox"/> **Plus pre-judgment interest	**If you check one or more boxes, you MUST explain how much you want for each item in section 11 below.
5000.00		<input type="checkbox"/> **Plus double damages for security deposit withheld	

*The Amount Claimed may not be more than \$5,000.
Do not include amounts for pre-judgment interest or doubling the security deposit in box 10.

To Defendant(s):

11.) You are being sued. The Plaintiff(s) claims you owe the above amount plus costs and pre-judgment interest and/or double damages for a withheld security deposit (if checked) for the following reasons:
See attached complaint.

The person signing below, being duly sworn, states that he or she has read the claim above and the information contained in this form and, to the best of his or her knowledge, information and belief, there is good ground to support the claim and the information is true.

12.) Signed <u>Gary A. Phee</u>	Type in name of person signing at left and title, if applicable Gary Phee	For Court Use Only (Date/Stamp)
Subscribed and sworn to before me on (Date) <u>April 4, 2019</u>	Signed (Clerk, Notary, Commissioner of Superior Court) <u>April P. Damiano</u>	
ADA Notice: The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA .		

COMPLAINT

FIRST COUNT: **(Strict Liability Pursuant to Conn. Gen. Stat. § 22-357)**

1. At all relevant times, the plaintiff, Gary Phee, is a resident of the City of Meriden, State of Connecticut.

2. At all times mentioned in the Complaint, the defendant, Gary Shamock, was and still is a resident of the City of Meriden, State of Connecticut.

3. On or about May 1, 2018, and for some time prior thereto, the defendant was the owner and keeper of a dog which was kept on or about the premises known as 85 Maple Avenue, Meriden, Connecticut.

4. On that date, at or around 3:15 p.m., the plaintiff, who is a postal employee, was delivering mail at 85 Maple Avenue, when the dog suddenly attacked and bit the plaintiff, thereby causing the plaintiff to sustain and suffer serious injuries.

5. The plaintiff, at the time of the dog attack and the resulting injuries, was not committing a trespass or tort or teasing, tormenting or abusing the aforescribed dog.

6. The defendant is liable for the attack and the resulting injuries in accordance with the provisions of § 22-357 of the Connecticut General Statutes.

7. As a result of the attack, the plaintiff suffered the following serious and painful injuries, all of which may be permanent in nature:

- a. Pain;
- b. Abrasions;
- c. Emotional distress;
- d. Scarring to the leg; and

e. Dog bites to the leg.

8. As a further result of such attack, the plaintiff has incurred and will continue to incur expenses for medical care, therapy, medication, inoculations and other related expenses for treatment of her injuries, all to his financial loss.

**INSTRUCTIONS TO DEFENDANT
(NOTICE TO PERSON BEING SUED)**

JD-CV-121 Rev. 2-18

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Please read the instructions carefully.

For more information, get a copy of *How Small Claims Court Works (form JDP-CV-45)* from a Clerk's Office, Court Service Center or on the Judicial Branch website, at www.jud.ct.gov/publications/CV045.

You may also find information on the *Small Claims Frequently Asked Questions* page on the Judicial Branch website at www.jud.ct.gov/faq/smallclaims.html or by contacting the clerk's office or a Court Service Center.

What is the *Small Claims Writ and Notice of Suit (form JD-CV-40)* that I have received?

The person suing you (called the plaintiff) has delivered to you (served on you) a copy of the *Small Claims Writ and Notice of Suit (form JD-CV-40)* and any documents related to your case. The *Small Claims Writ and Notice of Suit* contains the plaintiff's complaint, which explains how much money the plaintiff claims you owe them and the reasons why they think you owe them.

How do I defend my case?

In order to respond to the plaintiff's complaint, you must complete an *Answer* form and return it to court. **The court will send you an *Answer* form.** The *Answer* form will tell you the court house where you must return the form and the date by which you must return it.

You should receive an *Answer* form within six (6) weeks, but if you do not, call the clerk's office to ask why you have not received it yet. **Do not file a response until you receive an *Answer* form.**

The *Answer* form contains an Answer section, where you respond to the plaintiff's claims, and a Counterclaim section, where you can make claims against the plaintiff. The Answer section must be completed. It is up to you whether you complete the Counterclaim. There is a fee for filing a counterclaim, which is discussed below.

How do I respond to the plaintiff's claims? - Filing an Answer

The Answer is your chance to respond or reply to the plaintiff's claim. You may admit or deny all or part of the plaintiff's claim. Your Answer should be specific, but brief. Complete the form and sign it. Keep a copy for yourself and send a copy to each attorney or other representative of the plaintiff or, if the plaintiff is representing themselves, send a copy to the plaintiff. If you are not filing a Counterclaim, send the original *Answer* form to the court at the address listed on the form by mail, fax or hand delivery. **The court must receive your Answer form on or before the Answer Date.** If you are filing a Counterclaim, see the discussion on Counterclaims, below.

What if I know I owe the plaintiff some money?

If you know you owe the plaintiff something, but do not agree on the amount in the claim or are not sure how much you owe, you should file an Answer. This gives you a chance to come to court for a hearing (also called a trial) to question how the plaintiff added up the amount claim or to say why you think the amount should be different.

What if I admit that I owe the plaintiff all of the money they are asking for but want time to pay?

If you are sure that you owe the entire amount claimed by the plaintiff but want or need more time to pay, you may say this on the Answer form and file it with the court. You may ask for a period of time during which you can make payments in an amount that you suggest. If you ask for more time, but do not ask for a specific time period or amount, the court will enter a judgment with an order of payments of \$35 each week until the judgment is paid. If you ask to pay less than \$35 per week, and the plaintiff does not agree, a hearing will be scheduled. A judgment against a business and a judgment against a landlord for return of a security deposit will be ordered to be paid in a lump sum.

What if I pay the full amount plus costs, if any, before the Answer Date?

If you pay the plaintiff, plaintiff's representative, or plaintiff's attorney the full amount of the claim plus costs, if any, before the Answer Date, you should say that on the *Answer* form and file it with the court.

Do not send payment(s) to the Court.

What should I do if the plaintiff owes me money? - Filing a Counterclaim

If you claim that the plaintiff owes you money, you may wish to file a Counterclaim. First, you should complete the Answer portion of the *Answer* form. Then you may complete the Counterclaim section of the *Answer* form. In that section, explain why you think the plaintiff owes you money and how much money you claim the plaintiff owes you. When you have completed the form, sign it. Keep a copy for yourself and send a copy to each attorney or other representative of the plaintiff or, if the plaintiff is representing themselves, send a copy to the plaintiff. Send the original *Answer* form to the court at the address listed on the form by mail or hand delivery along with a filing fee of \$95. **The court must receive your answer form on or before the answer date. You cannot fax a Counterclaim and its filing fee to the court.**

What happens if I do not file an Answer?

If you do not file an Answer in writing with the court, a money judgment may be entered against you. This is called a default judgment. After the Answer Date has passed, your case will be reviewed by a Magistrate, who will decide whether a judgment should enter without a hearing or if a hearing must be scheduled. The Magistrate may award the plaintiff the full amount of their claim, plus court costs.

What happens if I file an Answer? Will I have a trial?

If you file an Answer, the Court will schedule a hearing (also called a trial), if one is required. **The court will send you a notice letting you know exactly when and where your case will be heard. Do not come to court for a hearing on the Answer Date listed on the Answer form.** Cases are scheduled for hearing as quickly as possible.

What happens if I file a Counterclaim? Will I have a trial?

If you file a Counterclaim with your Answer, a notice will be sent to you and the plaintiff letting everyone know that a Counterclaim has been filed and telling the plaintiff when they must file their Answer to the Counterclaim. After the Counterclaim Answer Date has passed, the court will schedule a hearing (also called a trial), if one is required. **The court will send you a notice letting you know exactly when and where your case will be heard. Do not come to court for a hearing on the Answer Date listed on the Answer form.** Cases are scheduled for hearing as quickly as possible.

What do I need to bring to Court for my hearing (trial)?

On the day of your hearing, you should bring all of your witnesses and any evidence you have. This may include bills, invoices, checks, damage estimates, pictures or other documents. Evidence may also include any defective or damaged goods that can be brought safely and easily into the court. Be prepared and organized so that you can present your complete case. A small claims judgment cannot be appealed.

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